

DEFICIENCY PROGRESS REPORT – UPDATE 8

March 17, 2008

CUPA: YOLO COUNTY ENVIRONMENTAL HEALTH

Evaluation Date: January 31, 2006, and February 1, 2006

Evaluators: Kareem Taylor, Cal/EPA
Marcele Christofferson, SWRCB
Brian Abeel, OES
Mark Pear, DTSC
Francis Mateo, OSFM

Status: Deficiency 6 remains outstanding

Next Progress Report (9th Update) Due: May 29, 2008

1. **Deficiency:** The CUPA is not inspecting all CalARP facilities subject to the surcharge on a triennial basis.

Preliminary Corrective Action by January 1, 2007: The CUPA will inspect CalARP facilities subject to the surcharge on a triennial basis.

CUPA Corrective Action (June 21, 2006): Yolo County currently has 16 CalARP facilities, and we have conducted three CalARP inspections since July 1, 2005. We are scheduled to inspect the City of Woodland Wastewater Treatment Plant (FA#5183) on June 27, 2006, and the City of West Sacramento Wastewater Treatment Plant (FA#5377) on June 29, 2006. Six other facilities that have never been inspected will be inspected before January 1, 2007. This will bring us completely up to date with inspections in the CalARP program.

Cal/EPA Comments to June 21, 2006, Corrective Action: *Cal/EPA accepts the CUPA's preliminary corrective action to this deficiency as adequate. Please update Cal/EPA on the status of this deficiency on the next quarterly status report due September 7, 2006.*

CUPA Corrective Action (September 15, 2006): Yolo County currently has 15 CalARP facilities (down from 16 in the last status report). We recently had the City of West Sacramento discontinue the use of chlorine at their Southport Water Treatment facility. The inspection that had been scheduled for June 27, 2006 at the City of Woodland Wastewater Treatment Plant (FA#5183) was cancelled because this facility discontinued the use of chlorine and sulfur dioxide. We are waiting on the final paperwork to deactivate this as a CalARP facility, which will reduce

us to 14 facilities. The City of West Sacramento Wastewater Treatment Plant (FA#5377) was inspected on June 29, 2006. Six other facilities that have never been inspected will be inspected before January 1, 2007. These inspections are currently being scheduled.

Cal/EPA Comments to September 15, 2006, Corrective Action: *The CUPA plans to inspect 7 out of the 14 or 15 CalARP facilities in their County by January 2007. If this goal is met, the CUPA will be on track towards meeting the CalARP three year inspection frequency. On the next status report, update Cal/EPA on the status of this deficiency.*

CUPA Corrective Action (December 6, 2006): Yolo County currently has 15 CalARP facilities. Since the last status report we have completed one additional CalARP facility inspection. Two inspections are currently scheduled for December 2006 and the remaining three inspections are being scheduled for January 2007.

Cal/EPA & OES Comments to December 6, 2006, Corrective Action: *The CUPA is taking steps to correct this deficiency, and will continue with the efforts being made to correct it. On the next progress report due on March 6, 2007, update Cal-EPA on the total number of regulated CalARP businesses, inspection goals for your inspectors and the actual number of routine (compliance) inspections conducted for the eight months into fiscal year 2006-2007 (July 2006 to February 2007).*

CUPA Corrective Action (March 8, 2007): Yolo County currently has 15 CalARP facilities. Since the last status report we [Yolo County CUPA] have completed five additional CalARP facility inspection[s]. Three inspections are currently being scheduled for March and April 2007. Completing these inspections will make us current until 2008.

Cal/EPA & OES Comments to March 8, 2007, Corrective Action: *The CUPA has inspected 6 of 15 CalARP facilities from July 1, 2006, to March 1, 2007. Cal/EPA and OES consider this deficiency corrected and no further update is required. However, although the CUPA has met the minimum mandated inspection frequency for this fiscal year, the CUPA must continue to inspect each CalARP facility at least once every three years.*

2. **Deficiency:** The CUPA does not regularly evaluate the City of West Sacramento Fire Department and the County Agricultural Commissioner in their implementation of the Unified Program.

Preliminary Corrective Action by January 1, 2007: The CUPA shall evaluate its participating agencies on an annual basis at the time of the

Self-Audit pursuant to Section 15280, or as necessary to maintain standards required in Health and Safety Code, Chapter 6.11.

CUPA Corrective Action (June 21, 2006): Yolo County will include an evaluation of the participating agencies performance during self-audits, the next of which is due to the state on September 30, 2006. To make evaluating the participating agencies easier we have started meeting with the West Sacramento Fire Department and the County Agriculture Department more regularly. We are also working on providing PA access to our scanned facility files.

Cal/EPA Comments to June 21, 2006, Corrective Action: *Cal/EPA accepts the CUPA's preliminary corrective action to this deficiency as adequate. Please update Cal/EPA on the status of this deficiency on the next quarterly status report due September 7, 2006.*

CUPA Corrective Action (September 15, 2006): Yolo County will include an evaluation of the participating agencies performance during self-audits, the next of which is due on September 30, 2006. This self-audit will be forwarded to the evaluation team. To make evaluating the participating agencies easier we have started meeting with the West Sacramento Fire Department and the County Agriculture Department more regularly. We are also working on providing PA access to our scanned facility files. In the last three months we have worked with the City of West Sacramento and the County Agriculture Department on inspection scheduling and making sure that their inspections are properly documented and forwarded to the CUPA in a timely manner. The Agriculture Department was invaluable in helping the CUPA identify potential hazardous waste generators at farms as part of our effort to remedy deficiency No. 3 (see below). For fiscal year 05/06 the City of West Sacramento Fire Department completed 27 HMBP and 16 hazwaste inspections and the County Agriculture Department completed 42 HMBP and 36 hazwaste inspections. There has been a significant improvement in the numbers of inspections completed and in the quality of the inspection reports, and we will continue to work on improvement. Our goal is to make PA inspections indistinguishable from inspections conducted by the CUPA.

Cal/EPA Comments to September 15, 2006, Corrective Action: *The CUPA's description of their PA evaluation process is satisfactory. Good job! Cal/EPA will review the CUPA FY 05/06 self-audit that should include an evaluation of its PAs. Cal/EPA has not received the CUPA's FY 05/06 self-audit yet. Please email this self-audit to Kareem Taylor immediately. A demonstration of a PA evaluation in the self-audit will correct this deficiency.*

CUPA Corrective Action (December 6, 2006): Included with this status report is a copy of the CUPA self audit which includes a brief audit of the PA and the Agriculture Department. Next years audit of the PA will be more formal, and the CUPA would appreciate guidance from Ca/EPA, such as a PA audit checklist.

To make evaluating the participating agencies easier we have started meeting with the West Sacramento Fire Department and the County Agriculture Department more regularly. We are also working on providing PA access to our scanned facility files. In the last three months we have worked with the City of West Sacramento and the County Agriculture Department on inspection scheduling and making sure that their inspections are properly documented and forwarded to the CUPA in a timely manner. The Agriculture Department was invaluable in helping the CUPA identify potential hazardous waste generators at farms as part of our effort to remedy deficiency No. 3 (see below). For fiscal year 05/06 the City of West Sacramento Fire Department completed 27 HMBP and 16 hazwaste inspections and the County Agriculture Department completed 42 HMBP and 36 hazwaste inspections. There has been a significant improvement in the numbers of inspections completed and in the quality of the inspection reports, and we will continue to work on improvement. Our goal is to make PA inspections indistinguishable from inspections conducted by the CUPA.

Cal/EPA Comments to December 6, 2006, Corrective Action: *The CUPA's response to this deficiency is adequate. Cal-EPA considers this deficiency to be corrected and no further update is required.*

3. **Deficiency:** The CUPA is not conducting inspections with a frequency that is consistent with its Inspection and Enforcement Plan and with the inspection of other program elements. The CUPA has not inspected all 589 hazardous waste generators that have been identified by the CUPA.

Preliminary Corrective Action by January 1, 2007: Additional resources committed to the generator program.

CUPA Corrective Action (June 21, 2006): Currently Yolo County has identified 567 active hazardous waste generators, and we have inspected 205 hazardous waste generators between July 1, 2005, and June 20, 2006. This exceeds our annual target of 33% of the hazardous waste generators in our database. However, the HWTS currently lists 928 hazardous waste generators in Yolo County, resulting in an annual target of approximately 310 required inspections. Since the audit we have compared the HWTS list of generator facilities with our database and have

identified the differences between the two data sources. We hired two new CUPA inspectors (1 replacement, 1 new position) on June 5, 2006, and they have been assigned the task of tracking down hazardous waste generators not currently in our database. Based upon our findings so far, I [Jeff Pinnow of Yolo County CUPA] am expecting that Yolo County actually has about 850 generators and therefore we are planning to inspect 285 hazardous waste generator facilities in FY 2006/2007. The increased staffing in the CUPA program should allow us to meet this goal. To ensure that we include any new hazardous waste generators in our inspection program, I [Jeff Pinnow of Yolo County CUPA] have requested that DTSC provide information to Yolo County whenever they issue/activate an EPA Identification number for a generator in our jurisdiction. DTSC is researching a mechanism for providing that information.

Cal/EPA Comments to June 21, 2006, Corrective Action: *Cal/EPA accepts the CUPA's preliminary corrective action to this deficiency as adequate. Please update Cal/EPA on the status of this deficiency on the next quarterly status report due September 7, 2006.*

CUPA Corrective Action (September 15, 2006): At the time of the audit Yolo County had identified 567 active hazardous waste generators. HWTS had identified 928 hazardous waste generators in Yolo County, resulting in an annual target of approximately 310 required inspections. Since the audit we have compared the HWTS list of generator facilities with our database and have identified the differences between the two data sources. We hired two new CUPA inspectors (1 replacement, 1 new position) on June 5, 2006, and they have been assigned the task of tracking down hazardous waste generators not currently in our database. We have added about 100 hazardous waste generators (mostly dentists, medical offices, bicycle shops, and other SQG's) to our database since June 2006, for a current count of 671 hazardous waste generators. Revising my previous estimate, I [Jeff Pinnow of Yolo County CUPA] am expecting that Yolo County actually has about 800 generators and therefore we are planning to inspect 270 hazardous waste generator facilities in FY 2006/2007. The increased staffing in the CUPA program should allow us to meet this goal. Incidentally, we inspected 247 hazardous waste generators in FY 2005/2006, which is very near our target. To ensure that we include any new hazardous waste generators in our inspection program, I [Jeff Pinnow of Yolo County CUPA] have requested that DTSC provide information to Yolo County whenever they issue/activate an EPA Identification number for a generator in our jurisdiction. DTSC is researching a mechanism for providing that information, but I [Jeff Pinnow of Yolo County CUPA] have received no information on their progress.

Cal/EPA Comments to September 15, 2006, Corrective Action:

According to the FY 05/06 Annual Summary Report 3, the CUPA has inspected approximately 38% of its regulated HWG facilities; however, there are still may HWG facilities in Yolo County that require regulation. The CUPA is actively working to find and regulate all HWG facility in their County. On the next status report, update Cal/EPA on the status of this deficiency.

CUPA Corrective Action (December 6, 2006): At the time of the audit Yolo County had identified 567 active hazardous waste generators. HWTS had identified 928 hazardous waste generators in Yolo County, resulting in an annual target of approximately 310 required inspections. Since the audit we have compared the HWTS list of generator facilities with our database and have identified the differences between the two data sources. We hired two new CUPA inspectors (1 replacement, 1 new position) on June 5, 2006, and they have been assigned the task of tracking down hazardous waste generators not currently in our database. To date we have found the following with this project:

<i>Total facilities to research</i>	<i>321</i>
<i>Facilities not in Yolo County</i>	<i>22</i>
<i>Facilities added to our Inventory</i>	<i>72</i>
<i>EPA ID# to Inactivate</i>	<i>33</i>
<i>Facilities out of Business</i>	<i>9</i>
<i>Facilities not generating waste</i>	<i>15</i>
<i>Waiting for a Response from</i>	<i>146</i>

We will continue our efforts to identify hazardous waste generators in Yolo County through this process, the review of business licenses and building permits, and through other types of inspections.

We have added about 100 hazardous waste generators (mostly dentists, medical offices, bicycle shops, and other SQG's) to our database since June 2006, for a current count of 683 hazardous waste generators. Revising my previous estimate, I [Jeff Pinnow of Yolo County CUPA] am expecting that Yolo County actually has about 800 generators and therefore we are planning to inspect 270 hazardous waste generator facilities in FY 2006/2007. The increased staffing in the CUPA program should allow us to meet this goal. Incidentally, we inspected 247 hazardous waste generators in FY 2005/2006, which is very near our target. To ensure that we include any new hazardous waste generators in our inspection program, I [Jeff Pinnow of Yolo County CUPA] have requested that DTSC provide information to Yolo County whenever they issue/activate an EPA Identification number for a generator in our

jurisdiction. DTSC is researching a mechanism for providing that information, but I [Jeff Pinnow of Yolo County CUPA] have received no information on their progress. In addition, DTSC has been extremely slow to issue EPA ID numbers to waste generators who have applied for numbers, prompting generators to stockpile waste or resort to shipping on one-time numbers. I [Jeff Pinnow of Yolo County CUPA] would appreciate any clarification or assistance that Cal/EPA can provide on these issues.

Cal/EPA & DTSC Comments to December 6, 2006, Corrective Action:
The CUPA's response to this deficiency is adequate and no further update is required. Cal/EPA appreciates the CUPA's efforts in hiring two new inspectors to help implement the hazardous waste generator program.

With respect to the CUPA's request from DTSC to provide information whenever an EPA Identification number is issued or activated for a generator in the CUPA's jurisdiction, Cal-EPA has attempted to contact Ms. Ann Carberry (916-322-1131 or acarberr@dtsc.ca.gov) and Mr. Octavian Redes (916-255-4091 or oredes@dtsc.ca.gov) of DTSC. However, no responses have been received to this date. Cal/EPA will notify the CUPA of the DTSC's decision if and when DTSC responds. In the interim, the CUPA may contact the abovementioned DTSC personnel directly if the CUPA wishes to do so.

Addendum to Cal/EPA & DTSC Comments to December 6, 2006, Corrective Action: *According to a phone conversation with Mr. Octavian Redes of DTSC on January 25, 2007, the DTSC is unable to provide CUPA with their request for information each time a new EPA ID number is issued within the CUPA's jurisdiction. The DTSC suggested that the CUPA download the list from the DTSC's HWTS and transfer the data onto an Excel spreadsheet or the CUPA's own database system.*

*As for the issuance of EPA ID numbers to hazardous waste generators, the duration of the application process will vary depending on the type of ID number requested (CA state only or federal ID number). The one-time temporary ID number requested from the state may be issued quickly via the phone. The permanent state ID numbers are generally issued within a week once DTSC receives the application. For prompt processing, Mr. Redes suggested that the application be submitted via internet form, fax or email (**not by regular mail**). The business/generator may also verify and check their ID number online themselves; if it's not available or not in the system within a week after submittal of the application via internet or fax, Mr. Redes recommended contacting DTSC. Information may be missing or incorrect on their application and, subsequently, an application may be placed on a suspension hold if the business does not respond or contact DTSC. The federal EPA ID numbers, on the other hand, are processed by*

an outside contractor (not thru DTSC), and their application process may take months, but they are also able to issue temporary federal EPA ID numbers via the phone.

Mr. Redes will be sending you [the CUPA] a formal response to your request, but you may give him a call or email to request further information or explanation at 916-255-4091 or oredes@dtsc.ca.gov.

- 4. Deficiency:** The CUPA is not obtaining certification of return to compliance.

Preliminary Corrective Action by February 1, 2006: Either a re-inspection report or a return to compliance certificate is required.

CUPA Corrective Action (June 21, 2006): CUPA staff persons have been directed to ensure that there is a written record verifying that all cited violations have been corrected. Facilities not certifying a return to compliance will receive appropriate follow-up, which can include being contacted by the CUPA, follow-up inspections, or enforcement. Staff will not clear a violation in our database without a written certification of compliance or other appropriate documents, such as test results.

Cal/EPA Comments to June 21, 2006, Corrective Action: *Facilities with violations should always certify in writing that they have returned to compliance for cited violations regardless of whether the CUPA performs a follow-up inspection for verification. Please email or fax me a copy a RTC certification received by Yolo County Environmental Health within the last 5 months.*

Email: kareemt@calepa.ca.gov

Fax: (916)322-5615

CUPA Corrective Action (September 15, 2006): CUPA staff persons have been directed to ensure that there is a written record verifying that all cited violations have been corrected. Facilities not certifying a return to compliance will receive appropriate follow-up, which can include being contacted by the CUPA, follow-up inspections, or enforcement. Staff will not clear a violation in our database without a written certification of compliance or other appropriate documents, such as test results. This is reinforced at our monthly staff meetings. See attached RTC for FA4801, VSS Emultech.

Cal/EPA Comments to September 15, 2006, Corrective Action: *This deficiency has been corrected and no further update is required.*

5. **Deficiency:** The CUPA is approving plot plans without all of the required elements. Monitoring plans are not reviewed or updated when requirements change.

Preliminary Corrective Action by January 1, 2007: Ensure that the plot plans have all of the required elements: sensor and equipment locations, tank annular space, sumps, dispenser pans, spill containers, or other secondary containment areas; mechanical or electronic line leak detectors; and in-tank liquid level probes (if used for leak detection). etc. Review the monitoring plans when regulation changes occur to determine if an update to the plan is required and that the facility is in compliance with the standard, if required.

CUPA Corrective Action (June 21, 2006): We have revised all policies and forms for use in the UST program. They are currently in Draft form and will be final soon. The new policies ensure that we will review UST monitoring and plot plans for facilities upon UST installation, during the annual inspection, and prior to issuing an operating permit. These policies and forms will be updated when requirements change. Please see the attached draft documents: ***Underground Storage Tank Application Packet for Installations, Modifications, and Repairs / Underground Storage Tank Program Plan Check Guidance Checklist / Written Monitoring and Response Plan for Underground Storage Tanks / Guidelines for Issuing Annual Underground Storage Tank Permits / Guidelines for Conducting Annual Underground Storage Tank Inspections.***

Cal/EPA Comments to June 21, 2006, Corrective Action: *CUPA has corrected this deficiency. No further action is required.*

6. **Deficiency:** The CUPA has not reviewed their latest Area Plan (2001) within 36 months and made any necessary changes.

Preliminary Corrective Action by January 1, 2007: The CUPA will conduct a complete review of their Area Plan and make any necessary changes.

CUPA Corrective Action (June 21, 2006): The CUPA has met with the local fire agencies and a decision has been made to consolidate the various hazmat operations plans in use in the County into one document, the Area Plan. We attended the Area Plan training workshop offered on May 30, 2006, in Hayward, and we intend to include the pesticide drift requirements in our update of the Area Plan. A draft update will be

prepared by October 15, 2006, and the final update will be submitted to the State by February 1, 2007.

Cal/EPA Comments to June 21, 2006, Corrective Action: *Cal/EPA accepts the CUPA's preliminary corrective action to this deficiency as adequate. Please update Cal/EPA on the status of this deficiency on the next quarterly status report due September 7, 2006.*

CUPA Corrective Action (September 15, 2006): The CUPA has met with the local fire agencies and a decision has been made to consolidate the various hazmat operations plans in use in the County into one document, the Area Plan. We attended the Area Plan training workshop offered on May 30, 2006, in Hayward, and we intend to include the pesticide drift requirements in our update of the Area Plan. The CUPA has met multiple times with the local fire agencies that are assisting in rewriting the Plan, including most recently on September 13, 2006. A draft update will be prepared by October 15, 2006, and the final update will be submitted to the State by February 1, 2007.

Cal/EPA Comments to September 15, 2006, Corrective Action: *The CUPA stated that it will submit some draft Area Plan documentation in early November. Cal/EPA will forward the documentation to OES for review when the CUPA submits it. On the next status report, update Cal/EPA on the status of this deficiency.*

CUPA Corrective Action (December 6, 2006): The CUPA has met with the local fire agencies and a decision has been made to consolidate the various hazmat operations plans in use in the County into one document, the Area Plan. We attended the Area Plan training workshop offered on May 30, 2006, in Hayward, and we intend to include the pesticide drift requirements in our update of the Area Plan. The CUPA has met multiple times with the local fire agencies that are assisting in rewriting the Plan, including most recently on October 5, 2006. We (the CUPA and the fire agencies) have settled on using the Santa Fe Springs FD Area plan as a template and we are still working on drafting the various sections of the plan. I [Jeff Pinnow of Yolo County CUPA] am hoping to start consolidating the pieces of the plan by late December 2006, and have a completed draft by February 2007. It is unlikely that we will have a final, accepted Area Plan by February 2007.

Included as attachments to this audit update are the Draft Table of Contents and Drafts of portions of sections 1-3.

Cal/EPA & OES Comments to December 6, 2006, Corrective Action:
The draft Area Plan lacked several sections:

2.2 B - 2.9
3.2 - 3.3
3.7 - 3.14
All of Sections 4 & 5

Boiler plate plans are good for they promote consistencies. However, every jurisdiction has their own unique hazardous material environment based on economics, industry, transportation, consumer needs, etc. The Area Plan should be reflective of those unique circumstances. Throughout Yolo County's Area Plan, sections contain data, Standard Operating Procedures (SOPs) that pertain to the originator of this boiler plate, Santa Fe Springs. The CUPA needs to remove this information and replace it with their own data, SOPs, etc. or remove those areas that don't pertain to their jurisdiction at all.

The Area Plan is incomplete and does not contain all the elements required by the California Code of Regulations, Title 19, Division 2, Chapter 4, Sections 2722 - 2728. On the next progress report due on March 6, 2007, the CUPA will submit an updated and complete Area Plan.

CUPA Corrective Action (March 8, 2007): Progress on the Area Plan remains slow, although I [Jeff Pinnow of Yolo County CUPA] have begun to receive the sections that the fire agencies are writing and Yolo County has been able to devote more time to the Area Plan recently as well. Please be assured that we [Yolo County CUPA] are not intending to take Santa Fe Springs Plan and slap our name on it, our Area Plan will be tailored to our jurisdiction. We [Yolo County CUPA] are using the Santa Fe Springs plan for its format and for some of the boilerplate language. We [Yolo County CUPA] are also drawing information from other plans such as Humboldt's, the Region IV HMEP, and our previous plan. In addition, the Yolo County Multi-hazard Emergency plan was just rewritten and we [Yolo County CUPA] will ensure that our Area Plan is synchronous with it. As soon as I [Jeff Pinnow of Yolo County CUPA] have the complete working draft for comment by our local agencies, I [Jeff Pinnow of Yolo County CUPA] will forward copies to you [Cal/EPA] and to Brian Abeel at State OES for review. For my reference, I [Jeff Pinnow of Yolo County CUPA] have been trying to locate a copy of the California Hazardous Material Incident Contingency Plan [HMICP]. I [Jeff Pinnow of Yolo County CUPA] have located the toolkit, but not the plan. Is this plan out there, or still in draft?

Cal/EPA & OES Comments to March 8, 2007, Corrective Action:

Cal/EPA and OES consider this deficiency a correction in progress. Parts of the Area Plan remain incomplete. On the next status report, due on June 4, 2007, please provide Cal/EPA with an update on this deficiency, including a draft of the entire Area Plan if completed by then.

In response to the CUPA's question on HMICP, the HMICP and the Hazardous Materials Incident (HMI) Tool Kit are essentially the same.

CUPA Corrective Action (June 6, 2007): We have continued to work on the Area Plan, and are still trying to complete a draft for circulation for comments. As soon as I [Jeff Pinnow of Yolo County CUPA] have the complete working draft for comment by our local agencies, I will forward copies to you and to Brian Abeel at State OES for review. Because this is taking longer than expected, I will try to update you monthly from here on regarding the Area Plan. Thank you for the information about the California Hazardous Material Incident Contingency Plan and the Toolkit.

Cal/EPA & OES Comments to June 6, 2007, Corrective Action:

Cal/EPA & OES appreciate the CUPA's update on this deficiency. Until a complete draft of the Area Plan is received and reviewed, this deficiency remains a correction in progress. On the next status report, due on September 4, 2007, or on a monthly basis as stated by the CUPA (whichever the CUPA prefers), do continue to update Cal/EPA on the progress toward correcting this deficiency, including a submittal of the Area Plan if completed by then.

CUPA Corrective Action (September 18, 2007): Very little progress has been made since the last status report.

Cal/EPA & OES Comments to September 18, 2007, Corrective Action:

This deficiency remains outstanding. On the next status report due on December 3, 2007, please update Cal/EPA on the progress toward correcting this deficiency, including a copy of the completed Area Plan, if available.

CUPA Corrective Action (October 3, 2007): Some additional progress has been made since the last status report; section two of the draft area plan (of four sections) is complete. I have set aside a significant amount of time to work on the plan this December, and that should allow me to make significant progress in the near future. Let me know if you would like drafts of the first two sections, or if you want me to send the complete draft in January.

Cal/EPA & OES Comments to October 3, 2007, Corrective Action:

The CUPA has made some progress since the last update; however, this deficiency remains outstanding. Please submit the complete draft in January 2008 or by the next update, due on February 29, 2008.

CUPA Corrective Action (February 29, 2008): No significant progress in the last quarter. I will contact Mr. Abeel next week for some advice on completing certain portions of the plan, specifically the pesticide drift component.

Cal/EPA & OES Comments to February 29, 2008, Corrective Action:

This deficiency remains outstanding. On the next status report due on May 29, 2008, please update Cal/EPA on the progress toward correcting this deficiency, including a copy of the completed Area Plan, if available.

- 7. Deficiency:** The CUPA has not established a procedure necessary to implement a dispute resolution between the CUPA and stationary sources.

Preliminary Corrective Action by April 1, 2006: The CUPA will develop dispute resolution procedures.

CUPA Corrective Action (June 21, 2006): A dispute resolution policy has been written, and is attached.

Cal/EPA Comments to June 21, 2006, Corrective Action: *The CUPA has corrected this deficiency. No further action is required.*

Addendum to Cal/EPA Comments to June 21, 2006, Corrective

Action: *The CUPA had already corrected their deficiency number 7 upon submittal of their CalARP dispute resolution procedure in June 2006 with their first deficiency progress report. However, based on a recent review of the dispute resolution procedure by the Office of Emergency Services (OES), Mr. Brian Abeel of OES has provided the comments below.*

Item number 6 should include after "Within 30 days of the AA's decision" the following:

"or, if the AA fails to render a timely decision, no later than 150 days after the owner or operator initiated the dispute resolution process with the AA".

The Yolo County CUPA should also include an item number 7 with the following language:

"Within 120 days after the service of the notice of appeal, or, if the Director requires additional time in order to deal with the submission of materials,

information, briefing, public comments or responses to public comments, within such extended time as is set by the Director, the Director shall issue his or her decision. The dispute shall be resolved according to the discretion of the Director. The Director's decision shall be binding on all parties."

The CUPA is not required to amend their CalARP dispute resolution procedure at this time; however, Cal-EPA recommends the CUPA to amend their CalARP dispute resolution procedure before their next evaluation.

- 8. Deficiency:** The CUPA is not inspecting all Business Plan facilities within their jurisdiction at least once every three years.

Preliminary Corrective Action by January 1, 2007: The CUPA will develop a mechanism or fine-tune the current one to ensure that all facilities within their jurisdiction are inspected at least every three years.

CUPA Corrective Action (June 21, 2006): Currently Yolo County has identified 961 active HMBP facilities, and we have inspected 294 HMBP facilities between July 1, 2005, and June 20, 2006. That is 30% and it falls just short of our goal of 33% of facilities inspected annually. We are planning to inspect 325 HMBP facilities in FY 2006/2007. The increased staffing in the CUPA program should allow us to meet this goal. In addition, we are developing queries for our database to ensure not only that we inspect one-third of our HMBP facilities in a given year, but also that we inspect those that have gone the longest since last being inspected.

Cal/EPA Comments to June 21, 2006, Corrective Action: Cal/EPA accepts the CUPA's preliminary corrective action to this deficiency as adequate. Please update Cal/EPA on the status of this deficiency on the next quarterly status report due September 7, 2006.

CUPA Corrective Action (September 15, 2006): Yolo County regulated 1052 HMBP facilities in FY 2005/2006 and we inspected 332 of these facilities, approximately 20 inspections fewer than we need to meet our inspection frequencies. We currently regulate 964 HMBP facilities, and we are planning to inspect 325 HMBP facilities in FY 2006/2007. The increased staffing in the CUPA program should allow us to meet this goal. In addition, we are developing queries for our database to ensure not only that we inspect one-third of our HMBP facilities in a given year, but also that we inspect those that have gone the longest since last being inspected. We have completed 60 inspections thus far since July 1, 2006, and CUPA staff has received updated inspection schedules.

Cal/EPA Comments to September 15, 2006, Corrective Action:

According to the FY 05/06 Annual Summary Report 3, the CUPA has inspected approximately 32% of its regulated HMBP facilities. This is an improvement from the last fiscal year. Continue to work towards inspecting at least 33% of the CUPA's 1052 HMBP facilities annually. On the next status report, update Cal/EPA on the status of this deficiency.

CUPA Corrective Action (December 6, 2006): Yolo County regulated 1052 HMBP facilities in FY 2005/2006 and we inspected 332 of these facilities, approximately 20 inspections fewer than we need to meet our inspection frequencies. We currently regulate 964 HMBP facilities, and we are planning to inspect 325 HMBP facilities in FY 2006/2007. The increased staffing in the CUPA program should allow us to meet this goal. In addition, we are developing queries for our database to ensure not only that we inspect one-third of our HMBP facilities in a given year, but also that we inspect those have gone the longest since last being inspected. We have completed 115 routine inspections thus far since July 1, 2006, and all inspectors including the Agriculture Department and the PA have received updated inspection schedules. We are behind our target of approximately 160 inspections by this time of the year, but we were held up by the move to the new building in late November. With two new inspectors coming on board in January 2007, and with the Agriculture Department conducting inspections (most farms are inspected during the off season in winter) we should have no trouble meeting our inspection goal.

Cal/EPA & OES Comments to December 6, 2006, Corrective Action:

The CUPA is taking steps to correct this deficiency, and will continue with the efforts being made to correct it. On the next progress report due on March 6, 2007, update Cal-EPA on the total number of regulated HMBP facilities, inspection goals for your inspectors and the actual number of routine (compliance) inspections conducted for the eight months into fiscal year 2006-2007 (July 2006 to February 2007).

CUPA Corrective Action (March 8, 2007): Yolo County regulated 1,052 HMBP facilities in FY 2005/2006 and we inspected 332 of these facilities, approximately 20 inspections fewer than we need to meet our inspection frequencies. We [Yolo County CUPA] currently regulate 964 HMBP facilities, and we [Yolo County CUPA] are planning to inspect 325 HMBP facilities in FY 2006/2007. We have completed 373 HMBP inspections since July 1, 2006, [until February 28, 2007] but only 173 of those inspections were routine. The others were complaint or follow-up inspections. This leaves us a goal of 150 routine HMBP inspections to complete by June 30, 2007. This should be attainable because our two

new inspectors have just gotten enough training and experience to be able to conduct inspections on their own.

Cal/EPA & OES Comments to March 8, 2007, Corrective Action:

Cal/EPA and OES consider this deficiency a correction in progress. The CUPA has inspected about 173 of 964 HMRRP businesses from July 1, 2006, to Feb. 28, 2007, which is approximately 17%. If the CUPA is able to meet their goal of inspecting at least 150 more inspections by the end of this fiscal year (June 30, 2007), then this deficiency will be considered corrected. On the next status report due on June 4, 2007, please continue to update Cal/EPA on the status of this deficiency, including the total number of regulated HMRRP facilities, inspection goals for your inspectors and the actual number of routine (compliance) inspections conducted for the 11 months into this fiscal year 2006-2007 (July 2006 to May 2007).

CUPA Corrective Action (June 6, 2007): Yolo County regulated 1052 HMBP facilities in FY 2005/2006 and we inspected 332 of these facilities, approximately 20 inspections fewer than we need to meet our inspection frequencies. We currently regulate 964 HMBP facilities, and we are planning to inspect 325 HMBP facilities in FY 2006/2007. We have completed 287 routine HMBP inspections since July 1, 2006, leaving us 38 routine HMBP inspections to complete by June 30, 2007. This should be attainable because our two new inspectors have just gotten enough training and experience to be able to conduct inspections on their own.

Cal/EPA & OES Comments to June 6, 2007, Corrective Action: *The CUPA has inspected about 30% of their business plan facilities for the current fiscal year until the end of May 2007. This is an increase since the last update; however, this deficiency is still short of the mandated inspection frequency for the HMRRP program. Therefore, this deficiency remains a correction in progress. If the CUPA is able to attain their goal of completing the remaining 38 inspections by the end of this fiscal year, then this deficiency will be considered corrected. On the next status report due on September 4, 2007, continue to update Cal/EPA on the status of this deficiency, including the total number of HMRRP businesses and the actual number of routine inspections conducted for the entire current fiscal year period (July 2006 to June 2007).*

CUPA Corrective Action (September 18, 2007): Yolo County regulated 1052 HMBP facilities in FY 2005/2006 and we inspected 332 of these facilities, approximately 20 inspections fewer than we need to meet our inspection frequencies. We currently regulate 995 HMBP facilities. Between July 1, 2006, and June 30, 2007, we conducted 349 HMBP inspections, 336 of which were routine. This means that 34% of our HMBP facilities received routine HMBP inspections last year.

Cal/EPA & OES Comments to September 18, 2007, Corrective Action:

The CUPA has satisfactorily corrected this deficiency by inspecting about 34% of their HMBP facilities for FY 06/07. Continue to maintain the triennial inspection frequency. No further update is required.

- 9. Deficiency:** The CUPA is not inspecting all CalARP Program stationary sources within their jurisdiction at least every three years.

Preliminary Corrective Action by January 1, 2007: The CUPA will develop a mechanism or fine-tune the current one to ensure that all stationary sources within their jurisdiction are inspected at least once every three years.

CUPA Corrective Action (June 21, 2006): See reply to Deficiency No. 1 above.

Cal/EPA Comments to June 21, 2006, Corrective Action: *This deficiency will be voided because it is similar to deficiency #1. Refer to Cal/EPA comments for deficiency #1. No further action is required for deficiency #9.*